

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-EIGHTH DAY—FRIDAY, APRIL 23, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“We need beauty around us to grow.” (Christopher Coelho)

Creator God, as we complete a tough week let our minds find rest and enjoy the beauty of the world about us. Let us see Your handiwork in the blossoming of trees, in the array of colors among the flowers bursting forth and especially see love in the eyes of those You have given us to love that often seem so far from here. Let us find time to rejoice and give You praise for all of life’s beauty. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers

Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

Absent with leave—Senators

Dolan Loudon—2

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1800, regarding Kelley Martin, Kansas City, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for **HB 947**, entitled:

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to nuisances.

Was called from the Consent Calendar and taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **HCS** for **HB 947** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers

Clemens	Coleman	Days	Dougherty	YEAS—Senators			
Foster	Gibbons	Goode	Griesheimer	Bartle	Bland	Bray	Callahan
Gross	Jacob	Kennedy	Kinder	Caskey	Cauthorn	Champion	Childers
Klindt	Mathewson	Nodler	Quick	Clemens	Coleman	Days	Dougherty
Scott	Shields	Steelman	Stoll	Foster	Gibbons	Goode	Griesheimer
Vogel	Wheeler	Yeckel—31		Gross	Jacob	Kennedy	Kinder

NAYS—Senators—None

Absent—Senator Russell—1

Absent with leave—Senators

Dolan Loudon—2

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 975, introduced by Representative Johnson (47), et al, entitled:

An Act to repeal sections 141.710, 141.760, and 141.790, RSMo, and to enact in lieu thereof three new sections relating to land trusts.

Was called from the Consent Calendar and taken up by Senator Wheeler.

Senator Wheeler moved that **HB 975** be read the 3rd time and finally passed.

At the request of Senator Wheeler, the above motion was withdrawn, which placed the bill back on the Consent Calendar.

HB 1047, introduced by Representatives Guest and Bivins, entitled:

An Act to repeal section 78.590, RSMo, and to enact in lieu thereof one new section relating to salary of council members in certain cities.

Was called from the Consent Calendar and taken up by Senator Klindt.

On motion of Senator Klindt, **HB 1047** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Klindt
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

NAYS—Senators—None

Absent—Senator Wheeler—1

Absent with leave—Senators

Dolan Loudon—2

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1107, introduced by Representative Crawford, et al, entitled:

An Act to amend chapter 238, RSMo, by adding thereto one new section relating to property adjacent to certain transportation districts.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **HB 1107** was read the 3rd time and passed by the following vote:

Absent—Senators

Kinder Stoll—2

Absent with leave—Senators

Dolan Loudon—2

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Childers moved that **SB 1034**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1034**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1034

An Act to repeal sections 407.670 and 407.671, RSMo, and to enact in lieu thereof eight new sections relating to the buyers club law.

Was taken up.

Senator Childers moved that **SCS** for **SB 1034** be adopted.

Senator Childers offered **SS** for **SCS** for **SB 1034**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1034

An Act to amend chapter 407, RSMo, by adding thereto six new sections relating to vacation clubs, with penalty provisions.

Senator Childers moved that **SS** for **SCS** for **SB 1034** be adopted, which motion prevailed.

On motion of Senator Childers, **SS** for **SCS** for **SB 1034** was declared perfected and ordered printed.

Senator Childers moved that **SB 787**, with

SCS, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 787**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 787

An Act to repeal section 313.812, RSMo, and to enact in lieu thereof one new section relating to local approval for licensing of excursion gambling boats.

Was taken up.

Senator Childers moved that **SCS** for **SB 787** be adopted.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 787, Page 1, Section A, Line 2, by inserting after all of said line the following:

“313.805. The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

(1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;

(2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. Notwithstanding the provisions of chapter 311, RSMo, to the contrary, the commission may authorize the operation of gambling games on an

excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions [including providing a maximum loss of five hundred dollars per individual player per gambling excursion];

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a licensee within this state to determine compliance with sections 313.800 to 313.850;

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645, RSMo;

(7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat or adjacent facilities;

(8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

(9) To require all licensees to file all financial reports required by rules and regulations of the commission;

(10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the

production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;

(11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;

(12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;

(13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to physical or electronic tokens, electronic cards, or chips which only can be used for wagering on the excursion gambling boat;

(14) To require excursion gambling boat licensees to develop a system, approved by the commission, that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving identifying information for the first time. Such system shall be submitted to the commission by October 1, 2000, and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from patrons who have elected to have marketing blocked under the provisions of this section only for the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit the commission from accessing identifying information for the purposes of enforcing section 313.004 and sections 313.800 to 313.850;

(15) To determine which of the authorized gambling games will be permitted on any licensed excursion gambling boat;

(16) Excursion gambling boats shall cruise, unless the commission finds that the best interest of Missouri and the safety of the public indicate the need for continuous docking of the excursion

gambling boat in any city or county authorized pursuant to subsection 10 of section 313.812. The commission shall base its decision to allow continuously docked excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. In addition, the commission shall consider economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for continuous-docking excursion gambling that are similarly situated with respect to the criteria set forth in this section;

(17) The commission shall render a finding concerning the possibility of continuous docking, as described in subdivision (15) of this section, within thirty days after a hearing on any request from an applicant or licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;

(18) To require any applicant for a license or renewal of a license to operate an excursion gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to achieve maximum employment of African-Americans and other minorities and maximum participation in the procurement of contractual purchases of goods and services. This provision shall be administered in accordance with all federal and state employment laws, including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal, the licensee will report on the effectiveness of the plan. The commission shall include the licensee's reported information in its annual report to the joint committee on gaming and wagering;

(19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.”;

and

Further amend page 7, section 313.812, line 204, by inserting after all of said line the following:

“313.822. A tax is imposed on the adjusted gross receipts received from gambling games authorized pursuant to sections 313.800 to 313.850 at the rate of twenty percent; **for licensees with adjusted gross receipts of greater than twenty million dollars an additional tax at a rate of one percent shall be imposed upon the amount of adjusted gross receipts in excess of twenty million dollars.** The taxes imposed by this section shall be returned to the commission in accordance with the commission's rules and regulations who shall transfer such taxes to the director of revenue. All checks and drafts remitted for payment of these taxes and fees shall be made payable to the director of revenue. If the commission is not satisfied with the return or payment made by any licensee, it is hereby authorized and empowered to make an assessment of the amount due based upon any information within its possession or that shall come into its possession. Any licensee against whom an assessment is made by the commission may petition for a reassessment. The request for reassessment shall be made within twenty days from the date the assessment was mailed or delivered to the licensee, whichever is earlier. Whereupon the commission shall give notice of a hearing for reassessment and fix the date upon which the hearing shall be held. The assessment shall become final if a request for reassessment is not received by the commission within the twenty days. Except as provided in this section, on and after April 29, 1993, all functions incident to the administration, collection, enforcement, and operation of the tax imposed by sections 144.010 to 144.525, RSMo, shall be applicable to the taxes and fees imposed by this section.

(1) Each excursion gambling boat shall designate a city or county as its home dock. The home dock city or county may enter into agreements with other cities or counties authorized pursuant to subsection 10 of section 313.812 to share revenue obtained pursuant to this section.

The home dock city or county shall receive ten percent of the adjusted gross receipts tax collections, as levied pursuant to this section, for use in providing services necessary for the safety of the public visiting an excursion gambling boat. Such home dock city or county shall annually submit to the commission a shared revenue agreement with any other city or county. All moneys owed the home dock city or county shall be deposited and distributed to such city or county in accordance with rules and regulations of the commission. All revenues provided for in this section to be transferred to the governing body of any city not within a county and any city with a population of over three hundred fifty thousand inhabitants shall not be considered state funds and shall be deposited in such city's general revenue fund to be expended as provided for in this section.

(2) The remaining amount of the adjusted gross receipts tax shall be deposited in the state treasury to the credit of the "Gaming Proceeds for Education Fund" which is hereby created in the state treasury. Moneys deposited in this fund shall be considered the proceeds of excursion boat gambling and state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming proceeds for education fund shall be credited to the gaming proceeds for education fund. Appropriation of the moneys deposited into the gaming proceeds for education fund shall be pursuant to state law."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Bartle raised the point of order that **SA 1** is out of order as it goes beyond the scope and title of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

Senator Shields offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 787, Page 5, Section 313.822, Line 22, by striking the word "twenty" and inserting in lieu thereof the following: "**thirty**"; and

Further amend line 25, by striking the word "twenty" and inserting in lieu thereof the following: "**thirty**".

Senator Shields moved that the above amendment be adopted.

At the request of Senator Shields, **SA 1** to **SA 1** was withdrawn.

Senator Bray offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 787, Page 1, Section A, Line 2, by inserting after all of said line the following:

"313.805. The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

(1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;

(2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held.

Notwithstanding the provisions of chapter 311, RSMo, to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions [including providing a maximum loss of five hundred dollars per individual player per gambling excursion];

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a licensee within this state to determine compliance with sections 313.800 to 313.850;

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645, RSMo;

(7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat or adjacent facilities;

(8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

(9) To require all licensees to file all financial reports required by rules and regulations of the commission;

(10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;

(11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;

(12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;

(13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to physical or electronic tokens, electronic cards, or chips which only can be used for wagering on the excursion gambling boat;

(14) To require excursion gambling boat licensees to develop a system, approved by the commission, that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving identifying information for the first time. Such system shall be submitted to the commission by October 1, 2000, and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from patrons who have elected to have marketing blocked under the provisions of this section only for the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit the commission from accessing identifying information for the purposes of enforcing section 313.004 and sections 313.800 to 313.850;

(15) To determine which of the authorized gambling games will be permitted on any licensed excursion gambling boat;

(16) Excursion gambling boats shall cruise, unless the commission finds that the best interest

of Missouri and the safety of the public indicate the need for continuous docking of the excursion gambling boat in any city or county authorized pursuant to subsection 10 of section 313.812. The commission shall base its decision to allow continuously docked excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. In addition, the commission shall consider economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for continuous-docking excursion gambling that are similarly situated with respect to the criteria set forth in this section;

(17) The commission shall render a finding concerning the possibility of continuous docking, as described in subdivision (15) of this section, within thirty days after a hearing on any request from an applicant or licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;

(18) To require any applicant for a license or renewal of a license to operate an excursion gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to achieve maximum employment of African-Americans and other minorities and maximum participation in the procurement of contractual purchases of goods and services. This provision shall be administered in accordance with all federal and state employment laws, including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal, the licensee will report on the effectiveness of the plan. The commission shall include the licensee's reported information in its annual report to the joint committee on gaming and wagering;

(19) To take any other action as may be

reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.”; and

Further amend page 7, section 313.812, line 204, by inserting after all of said line the following:

“313.822. A tax is imposed on the adjusted gross receipts received from gambling games authorized pursuant to sections 313.800 to 313.850 at the rate of twenty percent; **for licensees with adjusted gross receipts of greater than thirty million dollars an additional tax at a rate of two percent shall be imposed upon the amount of adjusted gross receipts in excess of thirty million dollars.** The taxes imposed by this section shall be returned to the commission in accordance with the commission's rules and regulations who shall transfer such taxes to the director of revenue. All checks and drafts remitted for payment of these taxes and fees shall be made payable to the director of revenue. If the commission is not satisfied with the return or payment made by any licensee, it is hereby authorized and empowered to make an assessment of the amount due based upon any information within its possession or that shall come into its possession. Any licensee against whom an assessment is made by the commission may petition for a reassessment. The request for reassessment shall be made within twenty days from the date the assessment was mailed or delivered to the licensee, whichever is earlier. Whereupon the commission shall give notice of a hearing for reassessment and fix the date upon which the hearing shall be held. The assessment shall become final if a request for reassessment is not received by the commission within the twenty days. Except as provided in this section, on and after April 29, 1993, all functions incident to the administration, collection, enforcement, and operation of the tax imposed by sections 144.010 to 144.525, RSMo, shall be applicable to the taxes and fees imposed by this section.

(1) Each excursion gambling boat shall designate a city or county as its home dock. The home dock city or county may enter into agreements with other cities or counties authorized

pursuant to subsection 10 of section 313.812 to share revenue obtained pursuant to this section. The home dock city or county shall receive ten percent of the adjusted gross receipts tax collections, as levied pursuant to this section, for use in providing services necessary for the safety of the public visiting an excursion gambling boat. Such home dock city or county shall annually submit to the commission a shared revenue agreement with any other city or county. All moneys owed the home dock city or county shall be deposited and distributed to such city or county in accordance with rules and regulations of the commission. All revenues provided for in this section to be transferred to the governing body of any city not within a county and any city with a population of over three hundred fifty thousand inhabitants shall not be considered state funds and shall be deposited in such city's general revenue fund to be expended as provided for in this section.

(2) The remaining amount of the adjusted gross receipts tax shall be deposited in the state treasury to the credit of the "Gaming Proceeds for Education Fund" which is hereby created in the state treasury. Moneys deposited in this fund shall be considered the proceeds of excursion boat gambling and state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming proceeds for education fund shall be credited to the gaming proceeds for education fund. Appropriation of the moneys deposited into the gaming proceeds for education fund shall be pursuant to state law."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above substitute amendment be adopted.

Senator Bartle requested a division of the question on the adoption of **SSA 1** for **SA 1**, asking that a vote first be taken on the portion of the amendment dealing with Section 313.805, appearing on Pages 1-5, and that a second vote be taken on Section 313.822, appearing on Pages 5-7.

Senator Jacob raised a point of order that

division of the question is out of order as the amendment cannot be divided as the subject matter of the two sections are connected.

The point of order was referred to the President Pro Tem.

Senator Bartle was recognized to speak on the point of order.

Senator Jacob raised the point of order that remarks made by Senator Bartle are out of order.

The point of order was referred to the President Pro Tem, who ruled both points of order not well taken.

Senator Bartle's request for division of the question was granted.

At the request of Senator Childers, **SB 787**, with **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HBs 795, 972, 1128** and **1161**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HCS** for **HB 978**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 959**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HB 1493**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HCS** for **HB 1288**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which were referred **HCS** for **HB 1040** and **HCS** for **HB 1041**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, Senator Gibbons submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HS** for **HCS** for **HBs 1268** and **1211**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS** for **HB 1177**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS** for **HB 980**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HB 1115**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HBs 998** and **905**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 833**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HB 898**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Dolan, Chairman of the Committee on Transportation, Senator Gibbons submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HBs 946, 1106** and **952**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HS** for **HCS** for **HB 1566**, with **SCS**; **HB 1613**, **HB 1445**, **HB 1454**, **HB 1462**, **HCS** for **HB 1471**, **HB 1608**, **HB 1612** and **HB 1635**, with **SCS**; and **SCS** for **HBs 1071, 801, 1275** and **989**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Nodler assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1118**—Transportation.

HB 773—Pensions and General Laws.

HCS for **HBs 1286** and **1175**—Commerce and the Environment.

HS for **HCS** for **HB 1285**—Small Business, Insurance and Industrial Relations.

HB 1160—Small Business, Insurance and Industrial Relations.

HCS for **HB 1509**—Aging, Families, Mental and Public Health.

HS for **HCS** for **HJRs 39, 38, 42** and **47**—Aging, Families, Mental and Public Health.

HS for **HB 1409**—Economic Development, Tourism and Local Government.

HS for **HCS** for **HBs 1477** and **1563**—Aging, Families, Mental and Public Health.

HB 844—Small Business, Insurance and Industrial Relations.

HS for **HCS** for **HB 1433**—Economic Development, Tourism and Local Government.

HCS for **HB 1093**—Aging, Families, Mental and Public Health.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HS** for **HB 1487**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1055**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1215**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1801, regarding Benjamin M. Farley, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Paul Peters, Waverly.

Senator Foster introduced to the Senate, Ruby

Sipes, and Jordan Elliff, Samantha Anderson, Ashley Craig, Carla Proehl, Kandis Dickerson, Micah Smith, Hunter Smith, Hayden Watkins, Trent Whisnant, Todd Patterson and Travis Moe, students from Doniphan Christian School, Doniphan.

Senator Klindt introduced to the Senate, Mel Booth, McLean, Virginia.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, April 26, 2004.

SENATE CALENDAR

FIFTY-NINTH DAY—MONDAY, APRIL 26, 2004

FORMAL CALENDAR

Unofficial

SENATE BILLS FOR PERFECTION

SB 1366-Yeckel, with SCS
 SB 1196-Klindt, with SCS
 SB 1096-Caskey, with SCS

SB 735-Foster, et al, with SCS
 SB 1153-Cauthorn
 SB 1185-Gross

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HOUSE BILLS ON THIRD READING

HS for HCS for HB 1566-Stefanick,
 with SCS (Cauthorn)
 HCS for HBs 795, 972, 1128 & 1161, with SCS
 (Childers)
 HS for HCS for HB 978-Baker (Yeckel)
 HCS for HB 959, with SCS (Yeckel)
 HB 1493-Emery, et al, with SCS (Scott)
 HCS for HB 1288, with SCS (Steelman)
 HCS for HB 1040 & HCS for HB 1041,
 with SCS (Nodler)
 HS for HCS for HBs 1268 & 1211-
 Smith (118), with SCS (Loudon)

HCS for HB 1177, with SCS
 HCS for HB 980 (Klindt)
 HCS for HB 1115 (Gross)
 HCS for HBs 998 & 905 (Griesheimer)
 HCS for HB 833, with SCS (Vogel)
 HCS for HB 898, with SCS (Shields)
 HCS for HBs 946, 1106 & 952, with SCS (Dolan)
 HS for HB 1487-Self (Scott)
 HCS for HB 1055 (Vogel)
 HCS for HB 1215, with SCS (Bartle)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS	SB 1124-Goode and Steelman, with SCS
SBs 738 & 790-Loudon, with SCS & SS for SCS (pending)	SB 1128-Cauthorn, with SCS
SB 755-Shields, with SCS, SS for SCS & SS for SS for SCS (pending)	SB 1132-Steelman, et al, with SCS
SBs 774 & 915-Wheeler, with SCS	SB 1138-Bartle
SB 787-Childers, with SCS, SA 1 & SSA 1 for SA 1 (pending)	SB 1159-Foster and Dougherty
SB 809-Klindt, with SCS, SS for SCS & SA 2 (pending)	SB 1180-Shields and Kinder, with SCS
SB 810-Klindt, with SCS	SB 1198-Russell, with SCA 1
SB 817-Kennedy and Griesheimer, with SCS	SB 1213-Steelman and Gross, with SCS
SB 856-Loudon, with SCS, SS for SCS, SS for SS for SCS, SA 2 & SSA 1 for SA 2 (pending)	SBs 1221 & 1305-Kinder, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)
SB 906-Foster, with SCS	SB 1227-Russell, et al, with SCS
SBs 908 & 719-Cauthorn, with SCS	SB 1232-Clemens, et al, with SCS (pending)
SB 933-Yeckel, et al	SB 1234-Mathewson and Childers, with SCS, SS for SCS, SA 4 & point of order (pending)
SB 989-Gross, et al, with SCS (pending)	SB 1254-Klindt, with SCS
SB 990-Loudon, with SCS	SB 1277-Yeckel, with SCS
SB 1023-Griesheimer	SBs 1332 & 1341-Caskey and Mathewson, with SCS
SB 1037-Steelman and Stoll, with SCS	SB 1355-Days
SBs 1069, 1068, 1025, 1005 & 1089-Gross and Griesheimer, with SCS, SS for SCS, SA 2 & SA 2 to SA 2 (pending)	SJR 24-Caskey and Bartle, with SCS
	SJR 25-Yeckel
	SJR 26-Yeckel
	SJR 40-Stoll
	SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending) (Bartle)	SCS for HCS for HB 1305 (Scott) (In Fiscal Oversight)
HCS for HB 1182, with SCS (Klindt)	

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

SCS for HBs 1071, 801, 1275 & 989-
Goodman (Childers)

HB 975-Johnson (47), et al (Wheeler)

Reported 4/7

HB 1070-Miller, et al (Scott)

HB 1291-Pearce (Cauthorn)

HB 938-Luetkemeyer, with SCS (Loudon)

HCS for HB 985 (Childers)

HB 923-Holand and Fraser (Jacob)

HCS for HB 1246 (Loudon)

HB 1622-Wasson, et al (Clemens)

HB 970-Portwood, et al (Shields)

HCS for HB 1399 (Clemens)

HS for HCS for HB 1290-Portwood, with

HCS for HB 1347 (Shields)

SCS (Steelman)

HCS for HB 1363 (Gibbons)

Reported 4/13

HB 822-Luetkemeyer, et al, with SCS
(Vogel)

HB 1407-Mayer and Villa (Dolan)

HB 1187-Ervin, et al (Quick)

HCS for HB 1456 & HB 824, with SCS
(Foster)

HCS for HB 1321, with SCS (Klindt)

HB 1494-Ervin (Quick)

HB 1362-Hobbs, et al (Cauthorn)

HBs 1613, 1445, 1454, 1462, HCS for

HB 1377-Sutherland, et al (Griesheimer)

HB 1471, HBs 1608, 1612 & 1635-

HB 1398-Lager (Klindt)

Morris, with SCS (Champion)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HB 1198 (Loudon)

HCS for HBs 1529 & 1655 (Griesheimer)

HB 1502-Wilson (42), et al (Wheeler)

HCS for HB 1136, with SCS (Dolan)

HB 1217-Johnson (47), et al, with SCS
(Wheeler)

HCS for HB 1422 (Cauthorn)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1171 (Klindt)

HCS for HB 1614 (Steelman)

HB 1259-Threlkeld (Griesheimer)

HCS for HB 1253, with SCS (Loudon)

HB 1126-Seigfreid, et al (Mathewson)

HB 884-Ward (Loudon)
 HCS for HB 1233 (Griesheimer) (In
 Fiscal Oversight)
 HCS for HB 1090 (Quick)
 HB 1440-Deeken, with SCS (Scott)
 HB 1508-Baker (Bartle)

HCS for HB 1660, with SCS (Klindt)
 HB 1616-Hanaway, et al (Gibbons)
 HB 1444-Moore, et al (Vogel)
 HCS for HB 988 (Bartle)
 HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)
 HCS for HB 1405 (Callahan)
 HB 1114-Skaggs (Loudon)
 HB 1167-Kelly (144), et al (Clemens)
 HCS for HB 1284 (Dolan)
 HCS for HB 912 (Goode)
 HCS for HB 1449 (Vogel)
 HB 1149-May, et al (Steelman)
 HB 1442-Lipke, et al (Kinder)
 HB 960-Roark, with SCS (Champion)
 HBs 1029, 1438 & 1610-Henke, with SCS
 (Dolan)
 HB 826 & HCS for HB 883-Kelley (144),
 with SCS (Russell)
 HBs 996, 1142, HCS for HB 1201 &
 HB 1489-Dusenberg, et al, with SCS
 (Bartle)

HCS for HB 928, HCS for HB 1123 & HCS
 for HB 1280-Bivins, with SCS
 (Yeckel)
 HCS for HB 1179 (Days)
 HCS for HBs 1631 & 1623 (Champion)
 HCS for HB 798, with SCS (Klindt)
 HB 1364-Bishop, et al, with SCS (Quick)
 HB 1188-Lipke, et al, with SCS (Bartle)
 (In Fiscal Oversight)
 HB 904-Luetkemeyer (Vogel)
 HB 1427-Portwood (Wheeler)
 HB 994-Cunningham (145), et al (Scott)
 HB 869-Townley, et al (Caskey)
 HCS for HB 1192, with SCS (Cauthorn)
 HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SBs 740, 886 & 1178-
 Klindt, with HCS, as amended

SB 1080-Nodler, et al, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended

RESOLUTIONS

To be Referred

SCR 48-Bland

Reported from Committee

SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

SCR 46-Gross

SCR 47-Griesheimer

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

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